

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

**REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
FEBRUARY 28, 2006
8:00 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:06 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Jose Alexandro Lozano, Melina Castro, Presi Ortega, Jr., Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Absent: None. Late arrival: None. Early Departure: Representative Presi Ortega at 2:16 p.m. The invocation was given by Reverend Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

1. MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES AWARENESS MONTH

Ms. Pat Munoz commented.

2. CATHEDRAL HIGH SCHOOL SWIMMING TEAM

3. J.M. HANKS HIGH SCHOOL JAZZ FESTIVAL

Mr. Marty Olivas commented.

4. JUNIOR OPTIMIST OCTAGON INTERNATIONAL WEEK

Mr. Walt Phillips commented.

Representative Castro commented.

Mayor Pro Tempore O'Rourke publicly apologized for his handling of last week's meeting.

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/city_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

1. Mr. Walt Phillips commented on use of initials and other acronyms.
2. Mr. H. Vanoy Barton commented on "Us First."

3. Ms. Lisa Tomaka thanked Mayor Cook for assisting in honoring parents.
4. Mr. Richard Schechter questioned Mayor Cook.
Mayor Cook and Representatives Holguin and Lozano commented.
5. Mr. Ray Gilbert commented on Building and Standards demolition policy and Mayor Pro Tempore's handling of public when item to be discussed is not properly presented to the public on the agenda.
Representative Lilly commented.
Mayor Cook commented that Mayor Pro Tempore's apology extended to Mr. Gilbert.
6. Mr. John Lyons, from "Friends of Karl Wyler", gave thanks for the City's clean up of the Karl Wyler landfill.

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Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried to **RECESS** the City Council meeting for the Mass Transit Department Board Meeting and Special Meeting at 9:45 a.m.

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Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried to **RECONVENE** the City Council meeting from the Mass Transit Department Board Meeting and Special Meeting at 10:19 a.m.

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Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk [*]).

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke
NAYS None

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*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for Regular City Council Meeting of February 21, 2006, and Special City Council Meetings of January 26, 2006, January 27, 2006, January 30, 2006, and February 20, 2006.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, SFPP, L.P., has requested access onto property owned by the City of El Paso for the completion of surveys necessary for the possible location of pipelines across the El Paso International Airport; and,

WHEREAS, in order to accomplish the required surveys, it will be necessary for SFPP, L.P. to enter onto property owned by the City of El Paso to conduct such survey through the El Paso International Airport;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The City Manager is hereby authorized to sign a Temporary Right of Entry allowing SFPP, L.P. access to the property owned by the City of El Paso known as the El Paso International Airport in order to conduct surveys on said property, subject to the requirements and limitations of said Temporary Right of Entry.

Representative Castro commented.

Mr. Raymond Telles, Assistant City Attorney, commented.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of Aviation be authorized to exercise the City's option to extend the Concession Agreement between the City of El Paso and CheckPoint Mailers, Inc. dated March 1, 2005, for an additional one (1) year term to expire on February 28, 2007.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a First Amendment to an Agreement for Engineering Services by and between the City of El Paso and Dorado Engineering, Inc., for a project known as "Montoya Heights, Phase I and Phase II" in an amount not to exceed FIFTEEN THOUSAND AND 25/100 DOLLARS (\$15,000.25).

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*Motion made, seconded, and unanimously carried to **MOVE TO THE REGULAR AGENDA** the following resolution:

R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, thousands of individuals utilizing El Paso's public streets are eligible to have their vehicles booted for failure to pay delinquent parking citations; and

WHEREAS, these scofflaws account for over \$34 million in uncollected fines and fees owed to the City of El Paso; and

WHEREAS, the City of El Paso will incur increased expenses in sending additional police officers throughout the City to locate and boot the vehicles of these scofflaws; and

WHEREAS, Section 12.85.070A3 of the El Paso City Code permits City Council to reduce the delinquency fines for parking citations for those violators who pay citations, voluntarily, during a declared amnesty period; and

WHEREAS, the contract between the City and its collection agency allows for a waiver of the collection fee during declared amnesty periods; and

WHEREAS, it has been determined that such a reduction in the delinquency fines and collection fees should maximize revenue collection by serving as an incentive for violators to pay their fines;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Council of the City of El Paso declares an amnesty week effective March 6 through March 10, 2006, ending at 12:00 midnight on March 10, 2006. During this amnesty period, all violators who pay outstanding parking citations will have the total delinquency fines and collection fees reduced to zero, leaving only the fine amount to be paid for each delinquent citation which is paid voluntarily.

Mayor Cook and Mayor Pro Tempore O'Rourke commented.

Ms. Richarda D. Momsen, Municipal Clerk, commented.

Motion made by Representative Byrd, seconded by Representative Lozano and unanimously carried to **APPROVE** the above Resolution.

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin., Steve Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an interlocal agreement with the County of El Paso for the joint submission of a grant application to the U.S Department of Justice for a four-year grant in the amount of \$143,578.00, for an Edward Byrne Memorial Justice Assistance Grant (JAG) to continue efforts in reducing crime through the upgrade of the present Automated Fingerprint Identification System (AFIS) hardware, software and data conversion, which serves as a major investigative tool. That the City Manager be authorized to sign any related paperwork, including all understandings and assurances contained therein, and apply for, accept, reject, alter, or terminate the grant, authorize budget transfers and submit any necessary revisions to the operational plan; that the grant officials be as designated in the agreement; and that the City Manager be authorized to execute on behalf of the City of El Paso, any grant amendments or corrections to the initial Grant Agreement which increase, decrease or de-obligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant. Grant is a joint venture between City and County, with a 50%-50% allocation of fund, City portion being \$143,578. 00. No cash match is required.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor and City Council review and accept the El Paso Police Department's Contact Data (Racial Profiling) Annual Report covering the period of January 1, 2005 through December 31, 2005.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, the City Council of the City of El Paso has allocated certain funding for the purpose of educating the community about the long-term benefits of developing and maintaining a clean and healthy community and to formulate strategies and coordinate projects intended to achieve the goal of a clean and healthy community; and

WHEREAS, the Keep America Beautiful System is the only known scientific methodology for achieving reductions in litter and an increase in community cleanliness and Keep El Paso Beautiful, Inc. is an affiliate of both the Keep Texas Beautiful and Keep America Beautiful Systems, with such affiliations only available to Keep El Paso Beautiful, Inc, in this area; and

WHEREAS, the Environmental Services Department seeks the use of a public information officer for the coordination and dissemination of information to the public related to the various services of said Environmental Services Department for the benefit of the public and Keep El Paso Beautiful, Inc. desires to provide such services;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Manager be authorized to sign an agreement by and between the City of El Paso and Keep El Paso Beautiful, Inc. in the amount of NINETY THOUSAND AND 00/100 DOLLARS (\$90,000.00) whereby Keep El Paso Beautiful, Inc. agrees to perform various services for the City, subject to Civil Service Commission approval.

Representative Castro commented.

Ms. Joyce Wilson, City Manager, commented.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, the United States Department of the Army ("Army") granted the City of El Paso ("City") an easement to occupy a portion of Fort Bliss ("Ft. Bliss"), a United States military reservation located in El Paso, El Paso County, Texas for the operation, maintenance and repair of a drainage ditch under Easement No. 091-RE-G-47, for a term of fifty years beginning February 21, 1956 and ending February 21, 2006, and as more fully described in the attached Exhibit "A"; and,

WHEREAS, the above described easement will expire on February 21, 2006, and the Army desires to grant to the City an Easement for Right-of-Way No. DACA63-2-06-0506 for the same property, as more fully described in the attached Exhibit "A"; and,

WHEREAS, the City Council finds that it is in the interest of its citizens and the residents of Ft. Bliss to continue the operation, maintenance and repair of the drainage ditch;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Manager is hereby authorized to sign on behalf of the City, United States Department of the Army Easement for Right-of-Way No. DACA63-2-06-0506 for the operation, maintenance and repair of a drainage ditch on Ft. Bliss Military Reservation, El Paso, El Paso County, Texas, as more fully described in the attached Exhibit "A".

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Tammy Bendele to the Tree Board by Mayor John Cook.

*Motion made, seconded, and unanimously carried to **RE-APPOINT** George S. Ingram to the City Employees Pension Fund Board of Trustees by Mayor John Cook.

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Jesus Lira to the Workforce Retraining Advisory Committee by Representative Eddie Holguin Jr., District 6.

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Guillermo Glenn to the Workforce Retraining Advisory Committee, by Representative Jose Alexandro Lozano, District 3.

*Motion made, seconded, and unanimously carried to **DELETE** the appointment of Joel Francisco Barrios to the Twelve Travelers Review Committee by Mayor John Cook.

*Motion made, seconded, and unanimously carried to **APPOINT** Henry Stokes to the Parks & Recreation Advisory Board by Mayor John Cook.

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*Motion made, seconded, and unanimously carried to **APPOINT** Glenn R. Walker, Jr. to the El Paso Mountain Committee by Mayor John Cook.
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*Motion made, seconded, and unanimously carried to **POSTPONE** one (1) week the appointment of John S. Cullers to the Building Board of Appeals by Representative Eddie Holguin Jr., District 6.
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*Motion made, seconded, and unanimously carried to **APPROVE** Change Order No. One (1) Scope Change, to J & J General Contracting Inc. for Contract No. 2005-273, San Antonio Street & Drainage Improvements Phase II project, for an increased amount of \$94,577.38. Change Order also adds forty-six (46) days to the contract time. The purpose of this change order is to furnish all labor, material, and equipment necessary to establish landscaping and irrigation system so as to match San Antonio Phase I, per Streets Department request. The revised scheduled completion date is July 2006.
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Current Contingency: \$ 377,632.54
Prior Change Orders: \$ 0.00
Proposed Change Order: \$ 94,577.38
Remaining Contingency: \$ 283,055.16
Location: Tays Street to Cotton Street
District: 8
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*Motion made, seconded, and unanimously carried to **AWARD** Bid Solicitation No. 2006-053 Uniforms

Award to: Vendor 1: Bazaar Uniforms & Men's Store
El Paso, TX
Item(s): #1, #2, #3, #5(1), #5(3), #8, #15, #24
Amount: \$26,160.20 (estimated annually)

Award to: Vendor 2: Alco Industrial Co.
El Paso, TX
Item(s): #4, #11, #16, #19, #21
Amount: \$15,310.60 (estimated annually)

Award to: Vendor 3: Iron Age Corporation
Pittsburgh, PA
Item(s): #6, #7, #9, #17
Amount: \$14,185.00 (estimated annually)

Award to: Vendor 4: Emblems, Inc.
Asheville, NC
Item(s): #12
Amount: \$2,304.00 (estimated annually)

Award to: Vendor 5: Work Wear Safety Shoes
El Paso, TX
Item(s): #13, #18
Amount: \$3,775.00 (estimated annually)

Award to: Vendor 6: Uniforms of Texas
El Paso, TX
Item(s): #20
Amount: \$227.40 (estimated annually)

Department: Environmental Services

Funds available: 34010291-010189-503120-503123-40403
34010291-010291-503120-503123-40403
34010291-010293-503120-503123-40403
34010291-010296-503120-503123-40403
Funding source: Uniforms Supplies and Safety Supplies
Total award: \$185,886.60 (estimated)
Districts: All

Environmental Services and Financial Services-Purchasing Division recommend award as indicated to the lowest responsive offer meeting specifications from responsible parties.

Items #10, #14, #22 and #23 will not be awarded as Environmental Services have no need of them.

This is a Requirements Type Contract with an initial term of thirty-six (36) months.

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*Motion made, seconded, and unanimously carried to **AWARD** Bid Solicitation No. 2006-060, Lee Blvd.
Phase I & II Demolition

Location: Montana Ave. & Pratt Street
Contractor: Karlsruher, Inc., dba CSA Engineers & Constructors
El Paso, Texas
Department: Streets
Funds Available: 14200403-PBE04ST115-20130-508027
Funding Source: 2004 CIP
Items: Base Bid I \$50,293.00

Total Award: \$50,293.00
Estimated Completion Date: April 2006
Districts: 5

The Departments of Engineering and Street recommend the award of this contract to Karlsruher, Inc., dba CSA Engineers & Constructors, the low responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

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*Motion made, seconded, and unanimously carried to **AWARD** Bid Solicitation No. 2006-078 Goodyear
Police Pursuit Tires – Rebid

Award to: The Goodyear Tire & Rubber Company
Akron, OH
Item(s): #1
Amount: \$80,000.00 (estimated annually)

Department: General Services – Fleet
Funds available: 37370510-503121-45202
Funding source: Fleet Services Internal Service Fund
Total award: \$240,000.00 (estimated)

Districts: All

General Services-Fleet Division and Financial Services-Purchasing Division recommend award as indicated to the sole responsive offer meeting specifications from responsible parties.

The City will be serviced by the local Goodyear Auto Service Center, 7440 N. Mesa, El Paso, Texas, 79912.

This is a Requirements Type Contract with an initial term of thirty-six (36) months.

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*Motion made, seconded, and unanimously carried to **APPROVE** the request of El Paso Times Transmountain Challenge to hold a 5K & 20K Race on March 19, 2006, from 6:30 a.m. to 10:29 a.m. 5K Race: Start on Kenworthy to Diana, turn right on Diana to Gateway North, turn right on Gateway North to Transmountain Rd., turn left on Transmountain Rd. to Gateway South, turn left on Gateway South to Diana, turn left on Diana to Gateway North, turn left on Gateway North, and finish at E.P.C.C. – Transmountain Campus. 20K Race: Start on Northwestern to Transmountain Rd., turn right on Transmountain Rd. to Gateway South, turn right on Gateway South to Diana, turn left on Diana to Gateway North, turn left on Gateway North and finish at E.P.C.C. – Transmountain Campus. Approximately 1,500 persons will take part and 200 spectators are anticipated. Permit # 06-010 [Maribel Villalva]
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Motion made, seconded, and unanimously carried to **POSTPONE** one (1) week the request from Special Olympics Texas Area-19 to hold an 8K Run/2 Mile Fun Walk on March 12, 2006, from 6:00 a.m. to 1:00 p.m. 8K Run Route: Start at corner of Stanton and Cincinnati, proceed on Cincinnati to Kansas, turn right on Kansas to Rim, turn left on Rim to Scenic, turn right on Scenic to top, turn around back on Scenic, proceed on Scenic to Robinson, turn left on Robinson to Madeline, turn left on Madeline to Cincinnati, turn left on Cincinnati and finish at finish line. 2 Mile Walk Route: Start at corner of Stanton and Cincinnati, proceed on Cincinnati to Kansas, turn right on Kansas to Kerbey, turn left on Kerbey to Rim, turn left on Rim to Scenic, turn left on Scenic to Robinson, turn left on Robinson to Coffin, turn right on Coffin to Cincinnati, turn left on Cincinnati and finish at finish line. Approximately 300 persons will take part and 100 spectators are anticipated. This request includes permission to use amplification (1 p.a. system). PERMIT # 06-008 [Ralph Rodriguez]
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Motion made by Representative Lilly, seconded by Representative Steve Ortega, and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

Representatives Presi Ortega, Jr. and Holguin were not present for the vote.

- A. An Ordinance amending Title 10 (Public Peace, Morals and Welfare), Chapter 10.20 (Offenses By or Against Minors) of the El Paso Municipal Code to amend the provisions relating to definitions and curfew offenses the penalty being as provided in Section 1.08.010 to 1.08.030 of the El Paso City Code. **(District 8)** [Police Department, Assistant Chief Paul Cross, (915) 564-7310]

Mayor Cook and Representative Byrd commented.

Ms. Joyce Wilson, City Manager, commented.

PUBLIC HEARING WILL BE HELD ON MARCH 14, 2006 FOR ITEM A

- B. An Ordinance changing the zoning of Tract 8-I, Block 42, Ysleta Grant, El Paso, El Paso County, Texas from R-4 (Residential) to S-D (Special Development). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 327 South Zaragoza Road. Applicant: Juan and Teresa Ceballos. ZON06-00007 **(District 6)** [Development Services/Planning, Christina Valles, (915) 541-4930]
- C. An Ordinance changing the zoning of a Portion of Section 21, Block 81, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas from R-F (Ranch and Farm) to C-2

(Commercial), and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Intersection of McCombs and US Highway 54. Applicant: AGMAR Partners, LP Representative: Conde, Inc. ZON06-00004 (**District 4**)
[Development Services/Planning, Mirian Spencer, (915) 541-4723]

- D. An Ordinance granting Special Permit No. ZON05-00156 to satisfy parking requirements for Parcel I, described as all of Lots 1, 2, and 3, Block 6, Valley Crest Commercial Park, El Paso, El Paso County, Texas, by allowing off-site parking on Parcel II, described as all of Lot 1 and a Portion of Lot 2, Block 2, Valley Crest Commercial Park, El Paso, El Paso County, Texas, pursuant to Section 20.42.040, and the penalty being as provided in Chapter 20.64.175 of the El Paso City Code. Subject Property: 1000 Valley Crest. Applicants: Charles and Rochelle Nieman. ZON05-00156 (**District 7**)
[Development Services/Planning, Christina Valles, (915) 541-4930]
- E. An Ordinance granting Special Permit No. ZON05-00159 to allow for a parking reduction on the property described as the East 10 feet of Lot 30 and all of Lots 31 and 32, Block 73, Franklin Heights, El Paso, El Paso County, Texas (1731 Montana Avenue) pursuant to Section 20.64.175. The penalty being as provided in Chapter 20.68 of the El Paso City Code. Subject Property: 1731 Montana Avenue. Applicants: Rodolfo and Martha Escajeda. ZON05-00159 (**District 8**)
[Development Services/Planning, Christina Valles, (915) 541-4930]

PUBLIC HEARING WILL BE HELD ON MARCH 21, 2006 FOR ITEMS B – E

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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NO ACTION WAS TAKEN to change the demolition policy whereby an appeal process to City Council for a final decision to demolish is established.

Mayor Cook and Representatives Lozano and Lilly commented.

The following members of City staff commented:

1. Mr. Alan Shubert, Developmental Services
2. Mr. Charlie McNabb, City Attorney
3. Ms. Joyce Wilson, City Manager
4. Mr. Larry Nichols, Developmental Services, gave a PowerPoint presentation (on file in the City Clerk's office).

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NO ACTION WAS TAKEN to require 1. Paso Del Norte Group to disclose their list of members to the public to ensure transparency and integrity in the downtown redevelopment plan proposals and 2. any city representatives with financial or family conflicts of interest with PDNG, to abstain from voting on any land use and land redevelopment issues.

Mayor Cook and Representatives O'Rourke, Lozano, Steve Ortega, and Byrd commented.

The following members of City staff commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Charles McNabb, City Attorney

Ms. Susan Melendez, co-chair of PDNG Membership Committee, commented.

Motion made by Representative Byrd, seconded by Representative Lozano, and unanimously carried to **SUSPEND THE RULES OF ORDER TO ALLOW** Ms. Susan Melendez, co-chair of PDNG Membership Committee, to speak.

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RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign and accept on behalf of the City a Correction Special Dedication Deed dedicating to the City real property located within a portion of Upper Valley Surveys, City of El Paso, El Paso County, Texas, and being more fully described by metes and bounds attached to the Correction Special Dedication Deed, from Frontera Vista, L.P., correcting the metes and bounds description in the Special Dedication Deed dated April 26, 2005, Document Number 20050041282 recorded in the Real Property Records of El Paso County.

Mr. Rudy Valdez, Development Services/Planning, commented.

Motion made by Representative Lilly, seconded by Representative Byrd, and unanimously carried to **APPROVE** the above Resolution.

Representative Presi Ortega, Jr. was not present for the vote.

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ITEM:

Discussion and action that the Deputy Director, Financial Services, Purchasing Division, requests that Mayor and Council ratify the action of February 17, 2006 to terminate Contract No. 2003-194 with C-US Clean for Janitorial Services for the El Paso Parks and Shelters/Reserve Areas for default pursuant to Section C, #21 of the Contract, an item titled Additional Remedy for Health or Safety Violations, whereby the City reserved the right to terminate the Contract.

The user Department was notified and a new solicitation will be issued.

Department: Parks and Recreation Department

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, and unanimously carried to **APPROVE** the above item.

Representative Presi Ortega, Jr. was not present for the vote.

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ITEM:

Discussion and action on the request rejection of Bid No. 2005-250, Fire Hose and Fittings, as recommended by Financial Services – Purchasing and Fire Department.

This requirement will be reviewed by the user department and a new solicitation will be issued at a later time.

Mayor Cook and Representative Lozano commented.

Mr. Byron Johnson, Financial Services, commented.

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, and unanimously carried to **APPROVE** the above item.

Representative Presi Ortega, Jr. was not present for the vote.

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ORDINANCE 16291

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS) OF THE EL PASO CITY CODE BY AMENDING CHAPTER 19.12 (PARKLAND DEDICATION) BY AMENDING SUBSECTION 19.12.030 A. (PARKLAND CALCULATION) IN ORDER TO INCREASE THE AMOUNT OF PARKLAND REQUIRED TO BE DEEDED TO THE CITY; AMENDING SUBSECTION 19.12.050 A. (STANDARDS FOR DEEDED PARKLAND) TO REQUIRE THAT PARKLAND DEDICATED TO THE CITY BE LOCATED IN ACCESSIBLE LOCATIONS WITHIN NEW DEVELOPMENT AND CLARIFYING THE DUTIES OF THE DIRECTOR OF PARKS AND RECREATION REGARDING THE LOCATION AND ACCEPTANCE OF PARKLAND; AND AMENDING SUBSECTIONS 19.12.100A. AND B. (FEE IN LIEU OF PARKLAND DEDICATION) IN ORDER TO INCREASE THE PARK FEE TO BE PAID TO THE CITY IN LIEU OF PARKLAND DEDICATION. THE PENALTY BEING AS PROVIDED IN SECTION 19.04.190 OF THE EL PASO CITY CODE.**

1ST MOTION

Motion made, seconded and carried to **MOVE TO THE FOREFRONT** of the agenda.

2ND MOTION

Motion made by Representative Byrd, seconded by Representative Lilly and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow two members of the public to speak.

3RD MOTION

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Lozano and unanimously carried to **ALLOW** Mr. Bobby Bowling an additional one (1) minute to speak.

4TH MOTION

Motion duly made by Mayor Pro Tempore O'Rourke, seconded by Representative Steve Ortega that the Ordinance be **ADOPTED AS AMENDED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Presi Ortega, Jr., Steve Ortega and O'Rourke

NAYS: Representatives Lozano, Castro and Holguin

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

Mayor Cook and Representatives Lilly, Byrd, Lozano, Castro, Holguin, Presi Ortega, Jr., Steve Ortega and O'Rourke commented.

The following members of City staff commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Pat Adauto, Deputy City Manager for Infrastructure and Development
3. Ms. Cindy Crosby, Assistant City Attorney

The following members of the public commented:

1. Mr. Jim Martinez gave a PowerPoint presentation (on file in the City Clerk's office).
2. Mr. Bobby Bowling
3. Mr. Wayne Grinnell
4. Ms. Sally Edwards
5. Mr. Pete Hollen
6. Mr. Charlie Wakeem and also read a letter from Mr. Hector Lopez into the record.
7. Ms. Rosa Morales
8. Mr. Gus Haddad
9. Ms. Tracy Yellen
10. Ms. Katie Updike
11. Mr. Victor Gaba
12. Ms. Laura Rivera
13. Mr. Richard Schecter
14. Mr. Doug Wright
15. Mr. John Lyons
16. Mr. Troy Hicks
17. Ms. Elena Acosta
18. Mr. Ray Gilbert

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ORDINANCE 16292

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOTS 33, 34, AND ALL OF LOTS 35-38, PARKLAND ADDITION (FIRST SUPPLEMENTAL MAP), EL PASO, EL PASO COUNTY, TEXAS FROM C-3 (COMMERCIAL) AND C-3/SC (COMMERCIAL/SPECIAL CONTRACT) TO A-O (APARTMENT-OFFICE) AND A-O/SC (APARTMENT-OFFICE/SPECIAL CONTRACT). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Mr. Rudy Valdez, Development Services/Planning, provided a PowerPoint presentation (on file in the City Clerk's office).

Representative Castro commented.

Motion duly made by Representative Castro, seconded by Representative Steve Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega and O'Rourke
 NAYS: None
 NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....

ORDINANCE 16293

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 11-15 AND THE NORTH ½ OF LOT 16, BLOCK 92, ALEXANDER ADDITION, EL PASO, EL PASO COUNTY, TEXAS FROM A-3 (APARTMENT) TO A-O (APARTMENT-OFFICE). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Mayor Pro Tempore O'Rourke commented.

Mr. Rudy Valdez, Development Services/Planning, provided a PowerPoint presentation (on file in the City Clerk's office).

Motion duly made by Representative Lilly, seconded by Representative Steve Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
ORDINANCE 16294

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACTS 11A1 AND 11C2, BLOCK 9, UPPER VALLEY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO R-2 (RESIDENTIAL), AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Representative Lilly and Mayor Pro Tempore O'Rourke commented.

The following members of City staff commented.

1. Mr. Rudy Valdez, Development Services/Planning, provided a PowerPoint presentation (on file in the City Clerk's office).
2. Ms. Joyce Wilson, City Manager

Mr. Sal Masoud, applicant, commented.

Motion duly made by Representative Lilly, seconded by Representative Lozano, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
Item: An Ordinance changing the zoning of Parcel 1: A portion of Tract 97A1, S.A. & M.G.R.R. Company Survey No. 267, El Paso, El Paso County, Texas from A-2 (Apartment) To C-4 (Commercial); Parcel 2: A portion of Tract 97A1, S.A. & M.G.R.R. Company Survey No. 267, El Paso, El Paso County, Texas from A-2 (Apartment) To C-3 (Commercial), and imposing certain conditions; Parcel 3: A portion of Tract 97A1, S.A. & M.G.R.R. Company Survey No. 267, El Paso, El Paso County, Texas from A-2 (Apartment) To C-1 (Commercial), and imposing a certain condition; and Parcel 4: A portion of Tract 97A, S.A. & M.G.R.R. Company Survey No. 267, El Paso, El Paso County, Texas from A-2 (Apartment) To C-1 (Commercial),

and imposing a certain condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 100-200 Block of Redd Road. Applicants: Sam Phillips. ZON05-00133 (**District 1**) [Planning, Christina Valles, (915) 541-4930]

Mr. Rudy Valdez, Development Services, provided a PowerPoint presentation (on file in the City Clerk's office).

Representatives Lilly, Lozano, and Mayor Pro Tempore O'Rourke commented.

Mr. Richard Schecter, citizen, commented.

Motion made by Representative Lilly, seconded by Mayor Pro Tempore O'Rourke and unanimously carried that the Ordinance be **POSTPONED** for two (2) weeks.

Representative Presi Ortega, Jr. was not present for the vote.

.....
ORDINANCE 16295

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 18 THROUGH 24, BLOCK 13, REVISED MAP OF SAHARA SUBDIVISION, EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO R-5 (RESIDENTIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Mr. Rudy Valdez, Development Services/Planning, provided a PowerPoint presentation (on file in the City Clerk's office).

Representative Castro commented.

Motion duly made by Representative Castro, seconded by Representative Steve Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr. was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
ORDINANCE 16296

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) TO ADD A NEW LOCATION ON HEISIG AVENUE. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

Motion duly made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega and O'Rourke
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NAYS: None
NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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ORDINANCE 16297

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) TO ADD A NEW LOCATION ON OREGON STREET FROM UNIVERSITY AVENUE TO A POINT 380' NORTHWEST, WESTSIDE ONLY. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

Motion duly made by Mayor Pro Tempore O'Rourke, seconded by Representative Lozano, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
ORDINANCE 16298

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.180 (NO STOPPING OR STANDING - TOW- AWAY ZONE), SUBSECTION (A) OF THE EL PASO CITY CODE, BY ADDING A NEW LOCATION ON BARTLETT DRIVE, FROM MESA STREET TO LE CONTE DRIVE, BOTH SIDES. THE PENALTY BEING AS PROVIDED IN SECTION 12.88.180 OF THE EL PASO CITY CODE.**

Motion duly made by Representative Lilly, seconded by Representative Byrd, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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ORDINANCE 16299

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.200 (SCHEDULE XVII - RESTRICTIONS ON PARKING IN RESIDENTIAL DISTRICTS), OF THE EL PASO MUNICIPAL CODE, TO REVISE ZONE A: NO PARKING, SEVEN A.M. TO SIX P.M., MONDAY THROUGH FRIDAY, TO EXCLUDE THE SOUTHSIDE OF HEISIG AVENUE AND TO INCLUDE AN ADDITIONAL AREA BOUNDED BY WEST**

YANDELL DRIVE, LAWTON DRIVE, UPSON DRIVE AND WEST YANDELL DRIVE. THE PENALTY BEING AS PROVIDED IN SECTION 12.85.110 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.

Representative Castro and Mayor Pro Tempore O'Rourke commented.

Motion duly made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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Item: An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.200 (Schedule XVII, Restriction on Parking in Residential Districts), of The El Paso City Code, to revise Subsection Zone M (No Parking 7:00 A.M. to 4:00 P.M., Monday through Friday, School Days Only) To include the North side of Cosmos Drive Between McRae Blvd. and Catnip Street. The Penalty as Provided In Section 12.84.010 Of The El Paso City Code. **(District 3)** [Engineering Department, Traffic Division, Ted Marquez, 541-4035] **POSTPONED FROM 2-7-06 AND 2-21-06**

Representative Lozano commented.

Mr. Rick Conner, City Engineer, commented.

Motion made by Representative Lozano, seconded by Representative Steve Ortega and unanimously carried that the Ordinance be **POSTPONED** for six (6) weeks.

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NO ACTION WAS TAKEN regarding City Manager's report of current events and issues:

Discussion on follow up action steps to the Zoo Elephant Habitat Plan/Options Report:

Mayor Cook and Representatives Steve Ortega and O'Rourke commented.

The following City staff members commented.

1. Ms. Joyce Wilson, City Manager
2. Dr. Lea Hutchinson, Zoo Director
3. Dr. Victoria Milne, Zoo Veterinarian
4. Ms. Debbie Hamlyn, Deputy City Manager for Quality of Life
5. Mr. Scott Gilyard, Zoo architect, presented a PowerPoint presentation (on file in the City Clerk's office).

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Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried that the City Council **RETIRE INTO EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS

Section 551.074 PERSONNEL MATTERS
Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

EX1. Workers' Compensation Subrogation Interest Regarding Jose Navarro (551.071) [City Attorney's Office, Maria Guadalupe Martinez, (915) 541-4550]

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, and unanimously carried to **ADJOURN** the Executive Session and **RECONVENE** the meeting of the City Council, during which time motions were made.

.....
Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr., and carried that the City settle its subrogation interest in the claim of **JOSE NAVARRO**, as recommended by the City Attorney, and that the City Manager and/or the City Attorney, or his designee be authorized to execute any necessary documents to effectuate that authority.

AYES: Representatives Lilly, Byrd, Castro, Holguin, Presi Ortega, Jr., Steve Ortega, and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Lozano

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Motion made by Representative Byrd, seconded by Representative Steve Ortega, and unanimously carried to **ADJOURN** this meeting at 4:21 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk